UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,238	11/28/2001	Gerry Kovan	CA920000055US1	9662

			EXAMINER
36736	7590	11/01/2005	HUYNH, THU V

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/995,238	KOVAN ET AL.
	Examiner	Art Unit	
	Thu V. Huynh	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-19,22-31,34-44,47-50 and 53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 9-19, 22-31, 34-44, 47-50 and 53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 08/08/05 to application

filed on 11/28/2001, which has the benefit of foreign application filed on 11/30/2000.

2.   Claims 1, 3-4, 6, 9-16, 19, 22-26, 29, 31, 34-41, 47-50 are amended. Claims 7-8, 20-21,

32-33, 45-46, 51-52 and 54-57 are canceled.

3.   Claims 1-6, 9-19, 22-31, 34-44, 47-50 and 53 are pending in the case. Claims 1, 16, 26,

41, and 53 are independent claims.

4.   The objection of claim 45 as having typographical error has been withdrawn in view of

the amendment.

5.   The rejections of claims 47-19 as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention, have been

withdrawn in view of the amendment.

6.   The rejections of claims 26-57 under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter, have been withdrawn in view of the

amendment.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United
States before the invention thereof by the applicant for patent, or on an international application by another who
has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

8.   **Claims 1, 3-5, 9-11, 13-16, 19, 22, 24-26, 28-30, 34-36, 38-41, 43, 47, 49-50 and 53 are**

rejected under 35 U.S.C. 102(e) as anticipated by Getchius et al., US 6496,843 B1, filed

03/1999.

Regarding independent claim 1, Getchius teaches the steps of:

- storing a first plurality of values in at least one first object, said first plurality of

values comprising initial values of a plurality of data fields in a document, wherein

said document comprise a notebook and said notebook comprises at least one panel

(Getchius, figures 3, 16-22; col.5, lines 15-50; col.10, lines 14-40; col.39, lines 1-10;

col.44, lines 35-53; and corresponding figures; user enters business information in

online form web page (fig.22) of a web site and storing entered values of fields in an

existing database and existing database copy);

- storing a second plurality of values in at least one second object, said second plurality

of values being identical to said first plurality of values (Getchius, col.44, lines 35-53;

storing values of fields in an updated database copy);

- receiving modifications from a user to said data fields and storing said modifications

in said at least one second object as current values (Getchius, col.10, lines 33-41;

col.44, lines 35-53; and corresponding figures; changing values of the data fields and
storing said changed values as current values on an updated database copy);

- comparing said first and second plurality of values to determine which data fields
  have initial values different from their current values (Getchius, col.44, lines 8-53;
  comparing the values in existing database and updated database copy to determine the
  different between two data sets);

- creating a plurality of records identifying all data fields having initial values different
  from their current values as determined in step comparing (Getchius, col.44, lines 8-
  53; comparing to produce the delta or different of records and classifying the delta
  records as insert, delete, or update operation, wherein the delta of records having
  identifiers in both sets, but having associated strings differ are considered update
  records. For example, when update an address of a business record, the update data
  (new address), which is different from data (old address) in the existing database is
  produced in order to update/modify the existing database); and

- transmitting said plurality of records to a server, said plurality of records for use in
  updating data in a data storage device (Getchius, col.13, lines 11-15; col.39, lines 29-
  32; only changes or updates to particular entries are transmitted to Front End Server
  from the Backoffice for updating the database stored in the Front End Server instead
  of updating or overwriting the entire copy of the database), wherein the plurality of
  records are used to determine at least one of the following: whether a panel of the at
  least one panel comprises a data field in the plurality of data fields having an initial
  value different from a current value of the data field and whether the notebook

comprise a panel of the at least one panel which comprises a data field in the plurality

of data fields having an initial value different from a current value of the data field

(Getchius, figures 21-22; col.4, lines 41-55; col.5, lines 3-5; col.10, lines 13-41;

col.12, lines 41-61; the changes or updates data is used to update the database servers

and the updated data is used to provide to the user when the user queries a request,

such as requesting for updating the user current listing information).

Regarding dependent claim 3, which is dependent on claim 2, Getchius teaches wherein

step of storing a first plurality of values is performed when said HTML form is loaded into a web

browser (Getchius, col.5, lines 15-36; col.10, lines 14-40; col.39, lines 1-10; col.44, lines 35-53;

col.15, line 45 – col.16, line 3; HTML form must be loaded into a web browser for the user

enters business information in online form (fig.22) and storing entered values of fields an

existing database and existing database copy).

Regarding dependent claim 4, which is dependent on claim 3, Getchius teaches wherein

the comparing step is performed after said modifications have been completed by said user

(Getchius, col.10, lines 33-41 and col.44, lines 8-53).

Regarding dependent claim 5, which is dependent on claim 4, Getchius teaches wherein

said plurality of records comprise a plurality of data field identifiers, and wherein each of said

data field identifiers identifies one of said plurality of data fields in said document (Getchius,

col.44, lines 8-53; figure 26).

Regarding dependent claim 9, which is dependent on claim 8, Getchius teaches wherein step of storing a first plurality of values is performed when said notebook is opened (Getchius, col.5, lines 15-36; col.10, lines 14-40; col.39, lines 1-10; col.44, lines 35-53; col.15, line 45 – col.16, line 3; HTML form must be loaded into a web browser for the user enters business information in online form (fig.22) and storing entered values of fields an existing database and/or existing database copy when the user presses the "submit information" button (fig.22)).

Regarding dependent claim 10, which is dependent on claim 9, Getchius teaches wherein the comparing step is performed on data in a panel of said at least one panel after said modifications have been completed by said user (Getchius, col.10, lines 33-41 and col.44, lines 8-53).

Regarding dependent claim 11, which is dependent on claim 10, Getchius teaches wherein the creating step is performed for said panel of said at least one panel, wherein said plurality of records created comprise a plurality of data field identifiers, and wherein each of said data field identifiers one of said plurality of data fields in said panel (Getchius, col.44, lines 8-53).

Regarding dependent claim 13, which is dependent on claim 12, Getchius teaches wherein the step of comparing, the step of creating and the step of transmitting are repeated for each panel in a notebook (Getchius, col.5, lines 15-36; col.10, lines 14-40; col.39, lines 1-10;

col.44, lines 35-53; col.15, line 45 – col.16, line 3; and col.56, lines 19 – col.57, line 5; to update

information whenever a user requests/submits changed information, the step of comparing,

creating and transmitting are repeated for the panel in the notebook, wherein the notebook has at

least one panel).

Regarding dependent claim 14, which is dependent on claim 13, Getchius teaches

wherein said plurality of records are used to determine whether a data field in the plurality of

data fields has an initial value different from a current value of the data field (Getchius, col.44,

lines 8-53).

Regarding independent claim 15, claim 15 recites similar limitations as claim 1 and is

rejected under the same rationale. Getchius specifically teaches wherein said document

comprises a hierarchy of documents, and wherein said plurality of records are used to determine

whether a data field in plurality of data fields having an initial value different from a current

value of the data field exists at a specified level of said hierarchy of documents (Getchius, figure

7; col.15, line 45 – col.16, line 3; col.44, lines 8-34 and col.56, lines 19 – col.57, line 5; updating

user current listing information when the user at specific level of the web sites, such as at "Home

→ Add or Change Your Listing" (figures 16-18, 21-22), wherein the current data displayed is the

updated data).

Claims 16, 18-19, 22, 24-25 for a system of presenting the method of claims 1, 5-6, 11,

14-15, respectively, and are similarly rejected under the same rationale.

Claims 26, 28-30, 34-36, 38-40 are for a computer readable medium presenting the method of claims 1, 3-5, 9-11, 13-15, respectively, and are similarly rejected under the same rationale.

Claims 41, 43, 47-50 are for a software product performing the method of claims 1, 5-6, 11, 14-15, respectively, and are similarly rejected under the same rationale.

Claim 53 is for a computer program product performing the method of claim 1, and is rejected under the same rationale. Getchius teaches computer program product for displaying data in a database comprising machine executable code (Getchius, claim 29) to perform the method of claim 1 as explained above. Getchiu teaches a system for performing online data queries is a distributed computer system, wherein a update techniques are used to updated a plurality of server nodes (Getchiu, abstract). Therefore, the limitation of " a recordable data storage medium", such as a hard drive of the computer, must be inherently included to perform the updating information that is provide from a user (client) through online form to a server. It is noted that claim 53-57 are also rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10.   **Claims 2, 17, 27, and 42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Getchius</u> et al., US 6496,843 B1, filed 03/1999.**

Regarding dependent claim 2, which is dependent on claim 1, Getchius teaches wherein said document is an PHTML document containing an HTML form (Getchius, col. 15, line 45 – col. 16, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Getchius' PHTML document to include an HTML document, since PHTML files are HTML instructions with embedded processing instructions.

Claim 17 is for a system of presenting the method of claim 2 and is similarly rejected under the same rationale.

Claim 27 is for a computer readable medium presenting the method of claim 2 and is similarly rejected under the same rationale.

Claim 42 is for a software product presenting the method of claim 2 and is similarly rejected under the same rationale.

11.   **Claims 6, 12, 18, 23, 31, 37, 44, and 48 remain rejected under 35 U.S.C. 103(a) as**

being unpatentable over <u>Getchius</u>, and further in view of <u>Baillargeon</u> et al., US

2002/0046076 A1, priority filed 09/2000.

Regarding dependent claim 6, which is dependent on claim 5, Getchius does not

explicitly disclose a Boolean value assigned to each of said data field identifiers to indicate

whether a data field in the plurality of data fields has an initial value different from a current

value of the data field as determined in the comparing step.

Baillargeon teaches a Boolean value assigned to each of data field identifiers to indicate

whether said data field has updated (Baillargeon, page 4, paragraphs 50-52, fig.2).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Baillargeon's using Boolean into Getchius to mark data

field identifiers that need to be update, since this would have facilitate the updating of values of

the data fields that need to be changed and keep track what data is updated or need to be update.

Regarding dependent claim 12, which is dependent on claim 11, Getchius does not

explicitly disclose wherein said plurality of records further comprise a Boolean value assigned to

each of said data field identifier to indicate whether a data field in the plurality of data fields has

an initial different from a current value of the data field as determined in the comparing step.

Baillargeon teaches a Boolean value assigned to each of said data field identifiers to

indicate whether said data field has updated (Baillargeon, page 4, paragraphs 50-52, fig.2).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Baillargeon's using Boolean into Getchius to mark data

field identifiers that need to be update, since this would have facilitated the updating of values of

the data fields that need to be changed and keep track what data is updated or need to be update.

Claims 18 and 23 are for a system of presenting the method of claims 6 and 12

respectively, and are similarly rejected under the same rationale.

Claims 31 and 37 are for a computer readable medium presenting the method of claims 6

and 12, respectively, and are similarly rejected under the same rationale.

Claims 44 and 48 are for a software product performing the method of claims 6 and 12,

respectively, and are similarly rejected under the same rationale.

Response to Arguments

6.   Applicant's arguments filed 8/8/05 have been fully considered but they are not

persuasive.

Applicants argue with respect to claim 1 that Getchius does not show "whether a panel ...

comprises a data field ... having an initial value different from a current value of the data field"

and "using those differing data fields to determined whether a panel has changed or whether a

notebook has changed when a data field changes".

This is not persuasive. Getchius teaches changing or viewing a user current listing

information (Getchius, fig. 21,"Your Current Listing Information") by displaying a web page

comprising data fields and its values (initial values) corresponding the user current listing

information (Getchius, figures 21-22). The user changes information and submits such changed

information (current values). Later, when the user requests changing the user current listing

information, the most updated information (current values) must be retrieved and displayed in

web pages (figures 21 and 22) for the user to views, changes or/and submits new information.

Therefore, later, when the user requests updating or viewing the user current listing information,

the updated records are used to display a current data for the web page, which is different the

initial value to display on the web page for the user. It is noted that the claimed limitation does

not verify who/what uses the plurality of records to determine, what is the determining step for

as well as indicator indicating that the web page (panel) is changed. It merely discloses the

updated records are used to determine a panel comprises data field having an initial value

different from a current value.

Applicants argue with respect to claim 14 that "Getchius does not show whether the

notebook comprises a panel of the at least one panel which comprises a data field in the plurality

of data fields having an initial value different from a current value of the data field".

This is not persuasive. Getchius teaches changing or viewing a user current listing

information (Getchius, fig. 21,"Your Current Listing Information") by displaying a web page

comprising data fields and its values corresponding the user current listing information

(Getchius, figures 21-22). Therefore, the updated information becomes the current listing

information when the user requests viewing or update/change the user listing information.

Applicants argue with respect to claim 15 that "Getchius does not show that the "plurality

of records are used to determine whether a data field having an initial value different from its

current value exists at a specified level of said hierarchy of documents" as claimed".

This is not persuasive. Getchius teaches PHTML tree is used to construct HTML web

page. A web page includes many levels, such as Home → Categories, Home →Add or Change

Your Listing (Getchius, figures 14, 16). Getchius teaches changing/updating user listing

information as well as category at a specific level such as Home →Add or Change Your Listing

The current data is displayed for the user changes such data (Getchius, figures 21-22).

Therefore, Getchius teaches updated records are used to determine that a data field having an

initial value different from its current value exists based on specific level of the web sites as

disclosed.

Applicants argue with respect to claim 15 that "the cited text does not show "tracking a

specified level of hierarchy of documents having changed data fields" as claimed".

This is not persuasive. The step of "tracking" is not claimed. However, the tracking step

also disclosed by Getchius as explained in response to argument of claim 15 above.

Applicants argue with respect to claim 13 that "Getchius does not show wherein step (d),

(e), or (f) are repeated for each panel in a notebook".

This is not persuasive. Getchius teaches the step of comparing, creating and transmitting

is performed anytime the user requests and submits updated/changed data as discussed in

response to argument of claim 1 above.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
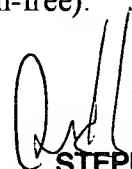
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The

examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
October 21, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER